

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
vs.                         )      Case No. 3:10-cv-00747  
                                )  
EBONY WOOD IN VARIOUS FORMS, )      Judge William J. Haynes  
                                )  
Defendant.                 )

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**VERIFIED CLAIM CONTESTING FORFEITURE**

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Pursuant to Supplemental Rule G(5)(a) of the Federal Rules of Civil Procedure, Claimant, Gibson Guitar Corp. (“Gibson”), submits its Verified Claim contesting the forfeiture of the property at issue in this action. In support of its claim, Gibson states as follows:

1.     Gibson claims the property seized by the U.S. Fish and Wildlife Service from Gibson’s 641 Massman Drive property on November 17, 2009, as listed on the “Property Receipts” completed by the U.S. Fish and Wildlife Service agents and attached hereto as collective Exhibit A. Said property is the subject of the instant forfeiture action brought by the government.<sup>1</sup> (See Doc. No. 3, Affidavit of Kevin L. Seiler ¶ 5). Gibson does not claim an interest in any wood seized from property owned by Red Arrow Delivery Service, to the extent such wood is the subject of this action.

2.     Gibson is a corporation organized under the laws of the State of Delaware with its principal place of business in Nashville, Tennessee. Gibson manufacturers and distributes guitars.

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<sup>1</sup> The government did not seek forfeiture of Item No. 7 entitled “Internal movement memo” listed on the Property Receipt dated November 17, 2009 at 9:30 AM.

3. Gibson is the owner of the seized property identified in Paragraph 1 above. Gibson has provided the government through Department of Justice attorney Elinor Colbourn with documents supporting its claim of ownership.

4. In a letter to Gibson dated August 20, 2010, the government identified the government attorney(s) to whom Gibson's Verified Claim must be submitted, namely Jerry Martin, United States Attorney for the Middle District of Tennessee, and/or Debra Teufel Phillips, Assistant United States Attorney. A true and correct copy of said letter (without attachments) is attached hereto as Exhibit B. Gibson is serving its claim on these attorneys.

5. The August 20 letter further stated that Gibson must file its Verified Claim with the Court no later than September 24, 2010, meaning that this Verified Claim is timely.

Respectfully submitted,

s/ Tim Harvey  
Timothy G. Harvey (BPR # 021509  
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*Attorneys for Gibson Guitar*

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing has been served upon the following via U.S. Mail and via the Court's Electronic Filing System:

Jerry E. Martin  
United States Attorney for the  
Middle District of Tennessee  
110 Ninth Avenue South, Suite A-961  
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Debra Teufel Phillips  
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*Attorneys for the United States of America*

s/ Tim Harvey 9/23/10

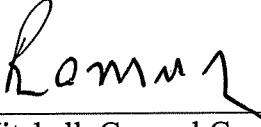
**VERIFICATION**

I, Bruce Mitchell, General Counsel of Gibson Guitar Corp., hereby verify and declare under penalty of perjury as provided by 28 U.S.C. § 1746, the following:

That I have read the foregoing Verified Claim Contesting Forfeiture and know the contents thereof, and that the matters contained in the Verified Claim Contesting Forfeiture are true to my own knowledge.

I hereby verify and declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed this 22<sup>nd</sup> day of September 2010, at Nashville, Tennessee.

  
\_\_\_\_\_  
Bruce Mitchell, General Counsel of Gibson Guitar Corp.